

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFAEL RODRIGUEZ
Plaintiff,

No. 16-CV-1033(EGS)

v.

BERKS COUNTY, et al.
Defendants

**PLAINTIFF'S PRETRIAL MEMORANDUM PURSUANT TO
LOCAL RULE 16.1(c)**

Plaintiff, Rafael Rodriguez, by his attorneys, The Rameau Law Firm, respectfully submits this pretrial memorandum.

- (1) A brief statement of the nature of the action and the basis on which the jurisdiction of the court is invoked.
 - a. This is an action involving claims of deliberate indifference against the individually named defendants pursuant to 42 U.S.C. 1983, municipal liability under *Monell* against the county and institutional defendants, Eighth Amendment violation against all defendants, and state law professional negligence claim against the medical defendants. Jurisdiction of this court is based upon a federal question for the federal claims and supplemental jurisdiction is based upon 28 USC 1367.

- (2) A brief statement of the facts of the case. All parties omit pejorative characterizations, hyperbole, and conclusory generalizations.
 - a. Plaintiff was an inmate at Berks County Jail (“BCJ”). He began to experience abdominal pain on April 13, 2015 that worsened over time. Plaintiff alleges that correction officers at times ignored plaintiff when he asked them for help. Plaintiff also alleges that the nursing staff did not treat him properly even though they knew the medications they had given him were ineffective. Plaintiff was moved to the medical unit on the evening of April 17, 2015. Plaintiff was not seen by a doctor, nurse practitioner or physician’s assistant for his abdominal complaints until April 20, 2015 when the nurse practitioner sent plaintiff to Reading Hospital, where imaging revealed plaintiff suffered a perforated appendix. Plaintiff underwent emergency surgery to remove the ruptured appendix and washout the contamination within his abdominal cavity. Plaintiff remained hospitalized until April 26, 2015 when he was returned to the BCJ. Within 24 hours plaintiff was sent back to Reading Hospital with an elevated heart rate, a high fever and an infection at the sight of his surgical wound. Plaintiff was hospitalized for over a month as a result.
- (3) A list of every item of monetary damages claimed, including (as appropriate) computations of lost earnings and loss of future earning capacity, medical expenses (itemized), property damages, etc.

- a. Compensatory damages for the violation of plaintiff's civil rights, to be determined by the jury
 - b. Compensatory damages for plaintiff's pain and suffering, to be determined by the jury
 - c. Punitive damages against the individual defendants, to be determined by a jury.
 - d. Attorneys fees' and costs, to be determined after a verdict in favor of plaintiff.
- (4) A list showing the names and addresses of all witnesses the party submitting the memorandum intends to call at trial. Liability and damages witnesses shall be designated separately.
- a. Liability Witnesses
 - i. Rafael Rodriguez; 139 Wunder Street, Reading, Pennsylvania, 19602;
 - ii. Warden Janine Quigley; Berks County Jail, 1287 County Welfare Road, Leesport, PA 19533;
 - iii. Former Lt. Jeffrey Douglas; Berks County Jail, 1287 County Welfare Road, Leesport, PA 19533;
 - iv. C.O. Christopher Vollmer; Berks County Jail, 1287 County Welfare Road, Leesport, PA 19533;
 - v. Susan Roberts Mechling, LPN; Berks County Jail, 1287 County Welfare Road, Leesport, PA 19533;

- vi. Allison Young, RN; E8171 660th Avenueue, Elk Mound,
Wisconsin, 54739
- vii. Paula Dillman-McGowan; CRNP; Berks County Jail, 1287
County Welfare Road, Leesport, PA 19533;
- viii. Sarah Hardy, RN; Berks County Jail, 1287 County Welfare
Road, Leesport, PA 19533;
- ix. Elizabeth Garcia, LPN; Berks County Jail, 1287 County
Welfare Road, Leesport, PA 19533;
- x. Kelly Scott, RN; Berks County Jail, 1287 County Welfare
Road, Leesport, PA 19533;
- xi. Jessie Kirsch, PAC; Berks County Jail, 1287 County Welfare
Road, Leesport, PA 19533;

b. Damages Witnesses

- i. Dr. Michael Brown; 3074 Weaver Road, Lititz, PA 17543
- ii. Dr. Cherise Hamblin; 301 South Seventh Avenue, Suite 305,
West Reading, PA 19611

(5) A schedule of all Exhibits to be offered at trial

Ex.	Bates	Document Description
1	PCM1-159	PrimeCare Medical Records for Plaintiff
2	Berks 1489-1637	Reading Hospital Medical Records
3	Berks 645-649	Reading Hospital Surgical Pathology Report
4	Berks 422-447	Reading Hospital Billing Records
5	Berks 450-	St. Joseph Hospital Medical Records

	512	
6	Berks 358-364	Rite Aid Pharmacy Records
7	P360-362	Photographs of Plaintiff
8	P359	Video of Plaintiff
9		Second video of Plaintiff
10	Berks 558-585	Logbooks of Plaintiff's Housing Areas
11	Berks 1398-1425	Logbooks of Plaintiff's Housing Areas
12	Berks 1476-1488	Logbooks of J-Unit—adjacent to Plaintiff's Housing Area
13	Berks 73-80	Observation Check Reports
14	Berks 651-691	Berks-PrimeCare Contract
15	Berks 692-711	Berks Standard Operating Procedures
16	PCM 1129-1131	Access to Care Policy
17	PCM 1132-1134	Emergency Services Policy
18	Berks 513-557	Berks County Jail Shift Assignment Sheets
19	Berks 1436-1470	Berks County Jail Shift Assignment Sheets
20		Berks County Jail Shift Floatation and Relief Schedules
21	Berks 1638-1657	Berks County Jail System Supervisory Activity Logs
22	PCM 520-683	Personnel File of Paula Dillman-McGowan
23	PCM 684-725	Personnel File of Sarah Hardy
24	PCM 726-869	Personnel File of Jesse Kirsh
25	PCM 870-919	Personnel File of Susan Roberts (nee Mechling)
26	PCM 920-986	Personnel File of Tracee Reeves
27	PCM 987-1049	Personnel File of Elizabeth Garcia (nee Rodriguez)
28	PCM 1050-1089	Personnel File of Kelly Scott
29	PCM 1090-1128	Personnel File of Allison Young

- (6) An estimate of the number of days required for trial
 - a. Plaintiff anticipates needing 4-5 days to present his case.
- (7) Special comments regarding legal issues, stipulations, amendments of pleadings, or other appropriate matters.
 - a. None

Dated: Brooklyn, New York

March 3, 2017

_____/s/_____
Amy Rameau, Esq.

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